

Braden P. Barnes / TXBN 24059423
Chandra D. Pryor / CABN 320903
Bonial & Associates, P.C.
14841 Dallas Parkway, Suite 425
Dallas, Texas 75254
(972) 643-6600
(972) 643-6698 (Telecopier)
E-mail: BkcyAttorneys@BonialPC.com

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF TEXAS
AMARILLO DIVISION**

IN RE:	§	CASE NO. 19-20068-RLJ7
	§	
BRENDA LONG	§	CHAPTER 7
DEBTOR(S)	§	
	§	HEARING DATE: MAY 16, 2019
NATIONSTAR MORTGAGE LLC D/B/A MR.	§	
COOPER	§	HEARING TIME: 01:30 P.M.
MOVANT	§	
VS		
BRENDA LONG		
AND KENT DAVID RIES, TRUSTEE		
RESPONDENTS		

MOTION FOR RELIEF FROM AUTOMATIC STAY OF ACT AGAINST PROPERTY

NOTICE

PURSUANT TO LOCAL BANKRUPTCY RULE 4001-1(b), A RESPONSE IS REQUIRED TO THIS MOTION, OR THE ALLEGATIONS IN THE MOTION MAY BE DEEMED ADMITTED, AND AN ORDER GRANTING THE RELIEF SOUGHT MAY BE ENTERED BY DEFAULT.

ANY RESPONSE SHALL BE IN WRITING AND FILED WITH THE CLERK OF THE UNITED STATES BANKRUPTCY COURT AT , AMARILLO, TEXAS, 79101-1559, BEFORE CLOSE OF BUSINESS ON MAY 10, 2019 WHICH IS AT LEAST 14 DAYS FROM THE DATE OF SERVICE HEREOF. A COPY SHALL BE SERVED UPON COUNSEL FOR THE MOVING PARTY AND ANY TRUSTEE OR EXAMINER APPOINTED IN THE CASE. ANY RESPONSE SHALL INCLUDE A DETAILED AND COMPREHENSIVE STATEMENT AS TO HOW THE MOVANT CAN BE "ADEQUATELY PROTECTED" IF THE STAY IS TO BE CONTINUED.

TO THE HONORABLE UNITED STATES BANKRUPTCY JUDGE:

Comes now Nationstar Mortgage LLC d/b/a Mr. Cooper, as servicing agent for Federal National Mortgage Association (hereinafter collectively referred to as "Movant"), its successors and/or assigns, a secured creditor in the above-entitled and numbered case, by and through its attorneys, to file this its Motion for Relief from Automatic Stay of Act against Property ("Motion") against: Brenda Long and Kent David Ries, duly appointed Chapter 7 Trustee, hereinafter referred to respectively as "Debtor(s)," and "Trustee." In support thereof, Movant would respectfully represent to the Court as follows:

1. On March 05, 2019, Debtor(s) filed a voluntary petition under Chapter 7 of the Bankruptcy Code. Subsequently, Kent David Ries was appointed Trustee in this Chapter 7 case, qualified and is duly acting in such capacity.

2. This Court has jurisdiction of this Motion by virtue of 11 USC §§105, 361 and 362, and 28 USC §§1334 and 157

3. Movant is the holder of the following Note and Deed of Trust (the "Deed") of even date therewith concerning the real property located at 4900 Reding Rd, Amarillo, Texas 79108 (the "Property"). True and correct copies of the Note and Deed are attached to the affidavit filed in support of this motion.

a. Debtor(s) executed a promissory note secured by a mortgage or deed of trust. The Note was subsequently transferred to Movant.

b. Nationstar Mortgage LLC services the Note on the property. In the event the automatic stay is modified, this case dismisses and/or the Debtor receives a discharge and a foreclosure action is commenced on the property, the foreclosure will be conducted in the name of Movant.

c. Movant, directly or through an agent, has possession of the Note and held the Note at the time of filing the Motion. The Note has been duly endorsed.

d. As of 04/12/2019, the unpaid principal balance of the Note and Deed is \$59,719.12.

Debtor(s) are in default on 30 contractual payments totaling	\$39,433.92:
11/01/2016 to 06/01/2017 (8) at \$1,324.21 each =	\$10,593.68
07/01/2017 to 03/01/2019 (21) at \$1,310.92 each =	\$27,529.32
04/01/2019 to 04/01/2019 (1) at \$1,310.92 each =	\$1,310.92
Less Suspense Balance -\$628.58 =	\$38,805.34

The amount of current monthly mortgage installment payment is \$1,310.92

4. By failing to make the regular monthly installment payments due pursuant to the Note, Debtor(s) have not provided adequate protection to Movant. Consequently, Movant lacks adequate protection of its interest in the Property. Movant therefore seeks relief from the automatic stay pursuant to 11 USC §362(d).

5. Movant has no remedy available to it other than to seek relief from the automatic stay.

6. Movant specifically requests permission from this Honorable Court to communicate with Debtor(s) and Debtor(s)' counsel to the extent necessary to comply with applicable non-bankruptcy law.

7. Movant has had to retain counsel to represent it before this Court and is incurring legal expenses and attorneys' fees for which it is entitled to reimbursement under the terms of its Note and Deed.

8. For the above and foregoing reasons, Movant asserts cause exists sufficient to waive the requirement of Bankruptcy Rule 4001(a)(3), therefore allowing Order to be effective upon this Honorable Court's signature.

WHEREFORE, PREMISES CONSIDERED, Movant prays that, upon hearing of this Motion, said automatic stay be terminated as to the claim of Movant, its successors and/or assigns, to seek its statutory and other available remedies; that Movant, its successors and/or assigns, be permitted to obtain possession of the Property to the exclusion of Debtor(s), alternatively, Movant, its successors and/or assigns, be afforded adequate protection by including, but not limited to, having all payments presently due in this proceeding to Movant being brought current and Movant being reimbursed for its reasonable attorneys' fees and expenses; and that Movant be granted such other and further relief, at law and in equity, as is just.

Respectfully submitted,
Bonial & Associates, P.C.

/s/ Chandra D. Pryor
Braden P. Barnes / TXBN 24059423
Chandra D. Pryor / CABN 320903
Attorneys and Counselors
14841 Dallas Parkway, Suite 425
Dallas, Texas 75254
(972) 643-6600
(972) 643-6698 (Telecopier)
E-mail: BkcyAttorneys@BonialPC.com
Attorney for Nationstar Mortgage LLC d/b/a Mr. Cooper

CERTIFICATE OF CONFERENCE

I hereby certify that counsel for Movant attempted to confer with counsel for Debtor(s) prior to filing this motion and the issues raised herein are not yet resolved.

/s/ Chandra D. Pryor
Braden P. Barnes
Chandra D. Pryor

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document has been served upon the following parties in interest either via pre-paid regular U.S. Mail or via electronic notification on or before the 29th day of April 2019:

Debtor *Via U.S. Mail*
Brenda Long
4900 Reding Rd
Amarillo, TX 79108-6836

Debtor's Attorney
Patrick Alan Swindell
Swindell Law Firm
106 SW 7TH Ave
Amarillo, TX 79101-2518

Chapter 7 Trustee
Kent David Ries
2700 S Western Street Suite 300
Amarillo, Texas 79106

US Trustee
Office of the U.S. Trustee
1100 Commerce Street, Room 976
Dallas, Texas 75242

Synchrony Bank
c/o PRA Receivables Management, LLC
PO Box 41021
Norfolk, VA 23541

Lane & Countryman
Attorney at Law
8526 N New Braunfels
San Antonio, TX 78217

19-20068-RLJ7

/s/ Chandra D. Pryor

Braden P. Barnes
Chandra D. Pryor